

# Donahue proposed guilty plea

By Margaret Zack  
Staff Writer

John Clark Donahue brought up the idea of pleading guilty to charges of criminal sexual conduct in April when he contacted attorney Peter Thompson, Thompson said Monday.

He said the plea bargain presented in Hennepin County District Court was not a last-minute proposal, but one that had been worked on since July 16.

The agreement was negotiated in meetings between Thompson; Hennepin County Attorney Tom Johnson; Bill Edwards, head of the criminal division in the county attorney's office; and Rob Lynn, prosecutor in the Donahue case.

Thompson said the judge assigned to the case, Charles A. Porter Jr., was not involved in the negotiations.

Johnson and Thompson said yesterday that they think the case was handled appropriately, even though the public may not agree. Both also pointed to the recent Scott County sexual abuse trial in which the credibility of the child witnesses became an issue.

Johnson said a key concern to him was how the plea in the Donahue case could be used to make a statement at the same time maximum punishment was handed out.



Staff Photo by Duane Braley

John Clark Donahue arrived for sentencing Monday at the Hennepin County Government Center. With him was Mary Winchell, an instructor and stage manager at Children's Theatre.

The wishes of the young male victim were met by the agreement, Johnson said. He said most important to them was an admission of guilty by Donahue and, secondarily, that Donahue receive treatment. Punishment was not as important to the victim, and none thought he should serve more than a year in jail, Johnson said.

Thompson said Donahue would not have received the treatment the victim wanted for him if he were sentenced to Stillwater.

Johnson said another important factor in the agreement was for the court to have control over Donahue

for a long time, which it can do with the long probationary period rather than a shorter prison term. If Donahue had been tried and convicted of the charges, under the sentencing guidelines he would have served about 2½ years in prison and then been on probation for 14 months.

Johnson said he thinks a guilty verdict would have been returned if the case had gone to trial. The guidelines call for a prison term only for the first degree criminal sexual conduct.

However, Johnson said that to prove that charge, it would have to be shown that Donahue used his posi-

tion of authority to cause the boy to submit to the sexual conduct. No direct threats were made to the juveniles, he said.

Johnson said he would not have agreed to a bargain that didn't include some jail time for Donahue.

He said the community view probably is that a plea should not have been negotiated.

"The easy thing would have been to go to trial," he said. "Ultimately that wouldn't have served the interests of the victims or reached out to other children."